

Serial No.: 10/691,327

### **REMARKS**

Claims 1-7 are pending in the application. Applicants have amended claims 1 and 7, along with the title of the invention. Favorable reconsideration of the application, as amended, is respectfully requested.

#### ***I. ALLOWABLE SUBJECT MATTER***

Applicants note with appreciation the allowance of claims 5 and 6.

#### ***II. REJECTION OF CLAIMS 1-4 AND 7 UNDER 35 USC §112, 1<sup>st</sup> ¶***

Claims 1-4 and 7 stand rejected under 35 USC §112, first paragraph, as being unsupported by the specification. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

The Examiner indicates that the specification does not disclose the use of a switching element that is controlled based on "a distance and a positional relationship" between a light collection point of the light output from the collection light system and the track. The Examiner requires that applicants identify the figure and/or pages within the specification where support for such claim language can be found.

Initially, applicants note that claim 1 has been amended to refer simply to the switch element outputting either one of the first signal and the second signal in accordance with "a positional relationship" between a light collection point of the light output from the collection light system and the track. Thus, claim 1 is now similar to claim 7 which refers to switching the signal to be output in accordance with "a positional relationship" between a light collection point obtained by the step of collecting and the track.

Regarding support for the feature of switching the output in accordance with "a positional relationship" between a light collection point and the track, applicants refer to the present application and Figs. 18, 20, 51, 52 and 54, for example.

Serial No.: 10/691,327

Fig. 18 of Specification

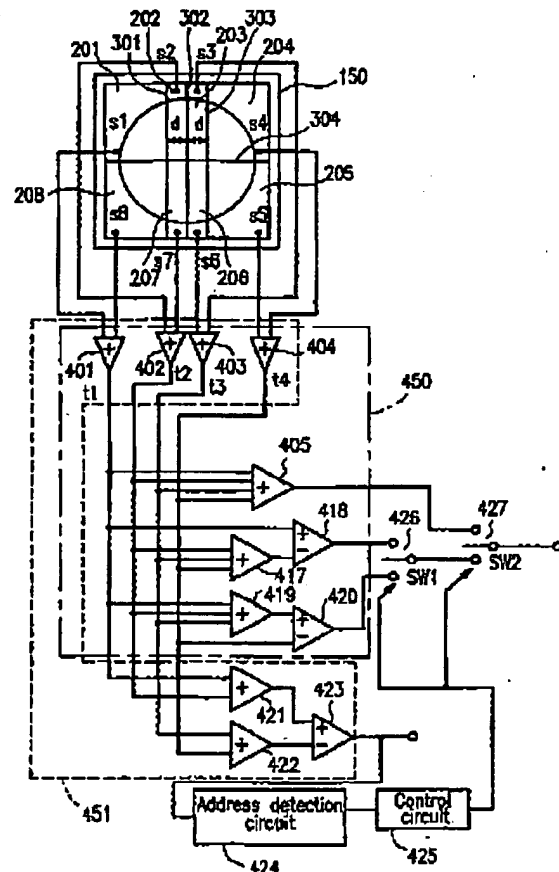
Referring to Fig. 18 (reproduced herein), for example, switches SW1 and SW2 are employed as switch elements. An address detection circuit 424 and a control circuit 425 determine the position of the switches SW1 and SW2. The address detection circuit 424 and control circuit 425 are in turn operative based on the tracking error signal output from the tracking error signal generator 451. (See, e.g., Spec., p. 98, Ins. 17-28; and p. 140, Ins. 8-21).

As will be readily appreciated by those having ordinary skill in the art, the tracking error signal is indicative of the positional relationship between the light collection point of the light output from the collection light system and the track. Thus, the control of the switches SW1 and SW2 by the address detection circuit 424 and the control circuit 425 is in accordance with the positional relationship between the light collection point and the track as recited in claims 1 and 7.

In view of the above, withdrawal of the rejection is respectfully requested.

### III. REJECTION OF CLAIM 7 UNDER 35 USC §112, 2<sup>nd</sup> ¶

Claim 7 also stands rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, the Examiner notes that "the step of switching" lacks proper antecedent basis.



Serial No.: 10/691,327

In response, applicants have amended claim 7 to recite "the signal obtained by a step of switching". Accordingly, claim 7 now provides proper antecedent basis. Withdrawal of the rejection is respectfully requested.

#### IV. CONCLUSION


Accordingly, all claims 1-7 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP



Mark D. Sarallino  
Reg. No. 34,243

DATE: October 22, 2004

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113  
C:\GEN\YAMA\Yamap495f\yamap495f.amd.wpd